IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3332 OF 2006

Liyakat Sayyad Ahmad Quadri
and others ... Applicants
versus
The State of Maharashtra ... Respondent

Shri Kuldeep Patil for applicants.
Shri S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. Heard Shri Patil for applicant and learned APP for State.

2. The applicant is apprehending arrest in connection with CR No.19 of 2006 registered at Mhasala Police Station, District Raigad alleging offences punishable under sections 420, 506(2) of IPC..

3. The applicant has pursuant to the statement made before me attended the Police Station. They have specifically averred that they would be

available for interrogation as and when summoned. Further, they would also co-operate in the same and attend the trial as and when investigations are complete and a charge sheet is filed.

4. From a perusal of the statement of the complainant it appears that he along with his friends broached the topic of his marriage during the course of journey to Mumbai and that he wants to and is rather interested in Gold and Jewellery. The allegation is that at the instance of applicants and the friends of the complainant a deal was struck whereby upon payment of a sum of Rs.2.00 lakh, Raw Gold Biscuits would be handed over. The allegation is that Rs.2.00 lakh were handed over. The Biscuits, however, were not delivered. The amount of Rs.2.00 lakh is paid in cash for which no receipt is also given. Details of the meetings with the mobile numbers are mentioned. Insofar as present applicants are concerned, it is alleged specifically that on 30th July 2006 when the complainant visited the house of the applicant no.1, applicant no.1 was not present but one Navid Abdul was present. He is alleged to have refused to part with or pay Rs.2.00 lakh and threatened the complainant after holding a

Revolver at him.

5. It is alleged that on account of the threat given on that day, the complainant did not immediately report the incident to the Police Station. The incident is of July 2006 and the above incident is of 30th July 2006. The complaint is lodged on 9th August 2006. Prima facie, when the applicant is not at his residence and had no role to play insofar as the threats, then, there is substance in Shri Patil's contentions that the complainant's case is false and not bonafide. Applicant no.1 and applicant no.2 both are residing at Mhasla. Learned APP could not satisfy me on what count the custodial interrogation is necessary.

6. In such circumstances and when the applicants have attended and are willing to abide by all conditions, they are entitled to pre-arrest bail in the event of their arrest in the above CR.. Hence following order.

7. ORDER :-

(i) In the event of the arrest of the applicants in connection with C.R.No.19 of 2006 registered

with Mhasala Police Station, District Raigad the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.25,000/- each (Rs.Twenty five thousand only) with one or two local sureties in the like sum;

(ii) The applicants shall report to Mhasla Policle Station once in a week till charge sheet is filed and later on as per directions of Trial Court;

(iii) The bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)